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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/766,522      | 01/27/2004  | Christopher Todd Cross | CRO.01              | 2212             |

25871 7590 11/16/2006  
SWANSON & BRATSCHEUN L.L.C.  
1745 SHEA CENTER DRIVE  
SUITE 330  
HIGHLANDS RANCH, CO 80129

EXAMINER

JOERGER, KAITLIN S

ART UNIT PAPER NUMBER

3653

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                         |  |
|------------------------------|------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>     |  |
|                              | 10/766,522             | CROSS, CHRISTOPHER TODD |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>         |  |
|                              | Kaitlin S. Joerger     | 3653                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Magness.

Magness teaches a sheet materials handling system comprising: at least one support member having a substantially vertical support leg, 22, extending from a horizontal base; a planar working surface, 11, connected to each support leg by a hinged connection which allows pivoting of the planar working surface with respect to the support leg, see figures 1A and 2A.

Magness further teaches a latching member operatively associated with the base configured to lock the pivoting of the planar working surface in a select position, the latching member comprising: a bar, 40, having first and second ends pivotally attached at the first end to a base, the second end being configured to align with a bracket on the underside of the planar work surface, and means, 54, for releasably attaching the second end of the bar to the bracket, see figures 1A and 2A and paragraph 0070.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Yindra et al.

Allen teaches a sheet material handling system comprising: at least one support member, 11, having a substantially vertical support leg, 12, extending from a horizontal base; a planar working surface, 10, connected to each support leg by a hinged connection, 13, which allows pivoting of the planar working surface with respect to the support leg.

The hinged connection further comprises: a first tubular member attached to the support leg; second tubular member attached to the planar working surface and positioned in line with each first tubular members; and a removable shaft running through the first and second tubular members connecting them such that the second tubular members are free to pivot around the pivot axis, see figure 1. The removable shaft allows separation of the planar work surface from the vertical support legs.

Allen teaches all of the features of claim 3 except for a latching member. Yindra et al. teaches a latching member, 18, for the purpose of locking the working surface in select position, see column 4, lines 5+. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the latching member of Yindra et al. with the sheet material handling system of Allen for the purpose of locking the working surface in select positions.

### ***Response to Arguments***

Applicant's arguments, see pages 4 and 5, filed 8/28/2006, with respect to the rejection(s) of claim(s) 7 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore,

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the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found reference (Magness). The applicant argued that the latching member, 75, of Allen relied upon in the previous office action is not actually a latching member. The examiner reviewed this argument and found the argument persuasive. However, the newly applied reference does teach a latching member as claimed by the applicant in addition to the other features of claim 7, therefore claim 7 is rejected.

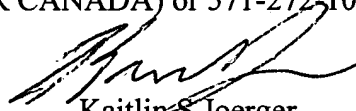
In addition, upon further review of the prior art and of claim 3, the examiner has withdrawn the previous indication of allowable subject matter and has rejected claim 3 under 35 U.S.C. 103(a). Upon further review, the Allen does teach the removable shaft limitation of claim 3, as he teaches a hinge with a shaft and a removable shaft is an inherent feature of such a hinge. Allen, however, does not teach a latching member as claimed, and therefore the examiner as applied new reference, Yindra et al., which does teach a latching member. Therefore the two claims remaining in the application are still rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kaitlin S Joerger  
Examiner  
Art Unit 3653

13 November 2006